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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/539,585   | 06/17/2005  | Yusei Miyamoto       | Q88412              | 4514             |
| 23373 7590 09/15/2008<br>SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| PAK, JOHN D  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1616   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 09/15/2008   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   |                        |                     |
|---|------------------------|---------------------|
|   | <b>Application No.</b> | <b>Applicant(s)</b> |
|   | 10/539,585             | MIYAMOTO ET AL.     |
| <b>Response to Rule 312 Communication</b> | <b>Examiner</b>        | <b>Art Unit</b>     |
|   | John Pak               | 1616                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 09 September 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.  
b) ☐ entered as directed to matters of form not affecting the scope of the invention.  
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.  
e) ☐ entered in part. See explanation below.

The 312 amendment seeks to delete "active" and insert therefor --- reactive ---. Several other corrective amendments are noted. The problem however is that many of such deletions, insertions, and corrections were already done in the Examiner's Amendment of 6/11/2008. See pages 3-5 therein.

Applicant's proposed amendments do not show the changes that were entered in the Examiner's Amendment. The new amendment uses different margins so the Examiner's amendment directions to amend at specific line numbers do not match up exactly, but the following example illustrates the point. In the Examiner's Amdnment, "active" was deleted and replaced with "reactive" in three instances at paragraph [0006] -- using the line numbering of the original specification, this corresponds to page 2, lines 25, 26 and 28. Applicant's proposed 312 amendment does not show these changes; rather, the version of the paragraph prior to the entry of the Examiner's Amdnment is used to show markings. Note again, this is merely an example of the problem with the 312 amendment. Numerous other instances of the same problem exist, wherein previous changes are not shown in the replacement paragraphs.

Therefore, the 312 amendment is improper and cannot be entered.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is (571)272-0620. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on (571)272-0646.

/John Pak/  
Primary Examiner, Art Unit 1616